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Letter dated 1 April 2015 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter dated 1 April 2015 from the representative of the National Coalition for Syrian Revolutionary and Opposition Forces (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Harald **Braun**
Permanent Representative of Germany
to the United Nations

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Annex to the letter dated 1 April 2015 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

On behalf of the National Coalition for Syrian Revolutionary and Opposition Forces, it is with great alarm that I draw your attention to a new set of chlorine gas attacks perpetrated by Syrian regime forces in and near the Syrian province of Idlib and the urgent need for the imposition of measures under Chapter VII of the Charter of the United Nations, as decided by Security Council resolutions 2118 (2013) and 2209 (2015).

On Monday, 30 March 2015, at approximately 1.30 a.m., Syrian regime helicopters dropped four barrel bombs containing a noxious chemical substance on the Syrian city of Idlib. On Tuesday, 31 March, regime helicopters dropped two more barrel bombs in the Idlib city centre, which caused 27 cases of suffocation due to the inhalation of a noxious chemical gas. These attacks came less than a week after a similar attack was launched on the towns surrounding Idlib. On 24 March, in the evening, Syrian aerial forces pounded the towns of Binnish and Qmenas with toxic chemical agents. Witnesses at the site reported the use of barrel bombs ejected from Syrian regime helicopters. At least 30 people, many of them children and women, received medical treatment for symptoms consistent with chlorine gas attacks, including nausea and difficulty in breathing.

The attacks on Idlib were not the first to be perpetrated following the adoption of Security Council resolution 2209 (2015). On 16 March, Syrian regime aerial forces launched yet another chlorine gas attack in Sarmin, Idlib. These attacks killed a family of six and left dozens of others wounded.

The chemical attacks on Sarmin, Binnish and Qmenas, like those on Kafr Zita and eastern Ghouta before them, have been committed with impunity. In resolutions 2118 (2013) and 2209 (2015), the Security Council decided to impose measures under Chapter VII of the Charter in the event of further breaches of the resolutions. There have been multiple further breaches, yet there are no measures, no accountability, no consequences. This impunity has aided and abetted Assad's atrocities. It has encouraged him to kill, torture and terrorize civilians, without fear of repercussions or meaningful consequences. It has also prolonged the conflict, fuelled the rise of the Islamic State in Iraq and the Levant, cost lives and damaged global security: the precise opposite of the Security Council's mandate.

Impunity must end now. Anyone who uses chemical weapons to target and kill civilians must be held accountable, and firm actions must be undertaken to deter the future use of the chemical agent chlorine gas as a weapon of war, as well as the disproportionate and indiscriminate use of conventional weapons. The legal basis already exists through which to deter future attacks. Members of the Council must work without delay:

- **To implement a no-fly zone**. A no-fly zone, implemented through the enforcement of Security Council resolutions 2118 (2013) and 2209 (2015), would put an immediate end to Assad's systematic deployment of chemical gas by air. It would protect Syrian civilians from aerial chemical warfare. It would enable humanitarian access and the eventual safe return of Syrian civilians to parts of the Syrian Arab Republic. And it would be implementable and enforceable. If the Security Council cannot act because of the irresponsible use

of the veto, concerned Member States have a legal and moral obligation to act unilaterally.

- **To refer the situation in the Syrian Arab Republic to the International Criminal Court**. The Security Council has repeatedly called for accountability, including in its resolutions 2118 (2013), 2139 (2014) and 2209 (2015). To date, a lack of consensus among Council members, however, has prevented the Council from authorizing the foremost instrument capable of delivering justice to victims: a referral of the situation in the Syrian Arab Republic to the International Criminal Court. Council members can and must break this deadlock by adopting a new resolution referring the situation in the Syrian Arab Republic to the Court. If the Council cannot act because of the irresponsible use of the veto, concerned Member States must set up an alternative mechanism, such as an ad hoc tribunal.

- **To authorize the Organization for the Prohibition of Chemical Weapons fact-finding mission in the Syrian Arab Republic to determine responsibility for the chemical attacks in Idlib**. To date, the fact-finding mission has not been mandated to determine responsibility for the use of chlorine gas. This has allowed Assad to claim publicly and maliciously, as he did most recently on Sunday, 29 March, in an interview featured on *60 Minutes*, that he has not used chemical weapons against his own people. Such lies should be answered with incontrovertible truth, truth which the fact-finding mission could provide, were it to be mandated to determine responsibility. The deliberate neutering of the fact-finding mission by one member of the Security Council has shamefully encouraged a lack of accountability.

While we welcome the news that Organization for the Prohibition of Chemical Weapons investigators may investigate the chemical weapons attacks in the province of Idlib, we are also conscious that such investigations have not, to date, deterred the Assad regime. The fact-finding mission alone will not stop Assad's murders or prevent future deaths through chemical means. To stop Assad's killing, the Security Council must deny the regime's ability to kill by air. A no-fly zone remains the best and most feasible way to do so.

(*Signed*) Najib **Ghadbian**
Special Representative to the United Nations